

239274US-20-DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ECKHARD H. KUESTERS : GROUP:
SERIAL NO.: NEW APPLICATION : EXAMINER:
FILED: HEREWITH :
FOR: GOLF BALL INCLUDING AN ELECTROMAGNETIC TRANSMITTER

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02(VIII)

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I. Basis for the Petition

Pursuant to MPEP § 708.02(VIII), applicants hereby petition for a special status for this application.

II. Requirements for Granting Special Status

MPEP § 708.02(VIII) provides five requirements for a grant of special status. The following subsections show that each of these five requirements is met.

A. Submit Petition and Fee: MPEP § 708.02(VIII)(A)

This petition is accompanied by the fee set forth in 37 CFR § 1.17(i).

B. Agree to an Election Without Traverse: MPEP § 708.02(VIII)(B)

Applicant submits that all claims are directed to a single, patentable invention.

However, should the Office determine that all the claims presented are not directed to a single invention, applicants agree to elect the largest group of claims that includes Claim 1.

**C. State that a Pre-examination Search Was Made:
§ 708.02(VIII)(C)**

A preexamination search was conducted at the United States Patent and Trademark Office for references having priority or publication dates no later than July 10, 1998, and included a search of Class 473, subclasses 152, 155, 156, 165, 198, 199, 200, 351, 353, and 570. Additionally, a keyword computer text search was conducted on the Examiner Automated Search Tool/Web Based Examiner Search Tool (EAST/WEST) BRS database and patent image retrieval system.

**D. Submit a Copy of the Most Relevant References:
§ 708.02(VIII)(D)**

One copy each of the references deemed most closely related to the subject matter encompassed by the claims are submitted with the information disclosure statement filed herewith.

**E. Submit a Detailed Discussion of the References, Pointing
Out How the Claimed Subject Matter is Patentable Over the
References: § 708.02(VIII)(E)**

Each of the independent claims includes features not taught or suggested by the references deemed most relevant to the claims. The references deemed most relevant to the claims are discussed below pointing out at least one patentable feature of the independent claims.

Claim 1 is directed to a golf ball comprising a substantially spherical shaped body having a dimpled outer surface, a power source contained within the body, a transmitter coupled to the power source and configured to emit an electromagnetic signal, a shock actuated switching device contained within the body for turning the transmitter on, and a first timer contained within the body for turning the transmitter off at a predetermined time after the transmitter is turned on.

Claim 9 is directed to a golf ball with a substantially spherical body having a dimpled outer surface, a power source contained within the body, and a means coupled to the power source for transmitting an electromagnetic signal in response to application of a shock to the golf ball for a limited time period.

Below, each of the references deemed most relevant to the claims is briefly discussed in light of example features distinguishing the claims from the reference for purposes of this petition.

U.S. Patent No. 1,620,290 to *Rubin* discloses a golf ball including sounding means actuated by a wound or tensioned spring disposed within the golf ball designed to assist in locating the golf ball. However, *Rubin* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body having a dimpled surface as presently claimed.

U.S. Patent No. 1,664,397 to *Bens* discloses a lost golf ball indicator that will indicate the ball position at the end of a flight wherein a substance or substances are applied to a ball during manufacture or afterwards that will indicate the presence of the ball by the acting upon any one, or all, of sight, sound or smell. However, *Bens* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body as presently claimed.

U.S. Patent No. 3,233,544 to *Hosoya* discloses a generally spherical signaling device including a central core of detonator material coated with a friction responsive igniter substance wherein an impact may detonate a visible smoke or flame type signal. However, *Hosoya* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body and a shock actuated switching device contained within the body as presently claimed.

U.S. Patent No. 4,421,319 to *Murphy* discloses a hunting arrow with locating means including a normally open electrical circuit with a power source, a time delay means, an audible signal producing device for producing an audible signal upon expiration of the time delay, and a switch adapted to close the electrical circuit, such that upon actuation of the switch, the time delay means starts a count down and upon expiration of the count down the audible signal producing device is energized to produce an audible signal which pinpoints the location of the arrow. However, *Murphy* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body having a dimpled outer surface and a shock initiated switching device contained within the body as presently claimed.

U.S. Patent No. 4,660,039 to *Barrickes et al.* discloses a system for locating a sport object, such as a golf ball, wherein a user carries an RF transmitter, and the sport object includes a conductive stripe thereon which increases the load on the transmitter as the transmitter gets closer to the sport object, such that a visible readout may indicate to the user when they are within viewing distance of the sport object. However, *Barrickes* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body and a shock initiated switching device contained within the body as presently claimed.

U.S. Patent No. 4,675,816 to *Brandon et al.* discloses an electronic method of locating a football on a playing field using a radio transmitter positioned at one end of the football which may be energized to transmit signals to dispersed receiving antennas which rotate to automatically position themselves to towards the transmitter and provide signals to a computer which determines and transmits the actual location of the football to selected receivers on or off the football field via triangulation methods. However, *Brandon et al.* does not disclose a

transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body and a shock initiated switching device contained within the body as presently claimed.

U.S. Patent No. 5,112,055 to *Barnhill* discloses a signal-emitting golf ball, having a chamber formed into its outer surface as a manufacturing step after the ball has been formed into a generally spherical shape and a signal-emitting device, shock-activated in nature, is provided to be silent through the practice swinging, but automatically emits a sound upon the ball being struck, and it keeps sounding until the player finds it and wishes it silent for the next shot. *Barnhill* does not, however, disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body, a first timer, and a shock initiated switching device contained within the body as presently claimed.

U.S. Patent No. 5,423,549 to *Englmeier* discloses a golf ball associated with a transmitting unit where the signals emitted by the transmitting unit are detected by the signal receiving unit. The transmitting unit is associated with an energy store as an operating voltage source. The device includes a charging circuit with an energy transmitter for wireless transmission of the electrical energy to an energy receiver connected in front of the energy store. Immediately after the charging phase of the energy store, the transmitting unit starts sending transmission signals and in so doing discharges the energy store. After a certain discharge time, the transmitting unit stops transmitting the transmission signals. The golf ball is located only during this limited transmission time. *Englmeier* does not, however, disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body, a timer for turning the transmitter off after a predetermined time, and a shock actuated switching device contained within the body as presently claimed.

U.S. Patent No. 5,564,698 to *Honey et al.* discloses a hockey puck with an electromagnetic transmitter. The electromagnetic transmitter is turned on using a shock sensor and is turned off using a timer. However, *Honey et al.* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a golf ball having a substantially spherical shaped body with a dimpled outer surface.

U.S. Patent Application Publication No. US 2002/0016210 A1 to *Helber* discloses a method and apparatus for displaying the location of a golf ball including the steps of digitizing visual images and electronically storing position information displayed in the visual images, electronically displaying the visual images, and electronically displaying information regarding user-selected positions displayed in the visual images wherein a device including a display screen for visual image and stored position information display, and a control panel which enable a user to selectively display digitized images and selected information concerning positions and objects on the display. However, *Helber* does not disclose a transmitter for emitting an electromagnetic signal coupled to a power source contained within a substantially spherical shaped golf ball body as presently claimed.

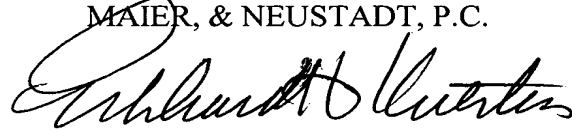
III. Conclusion

The petition to make special should be granted. Therefore, applicants respectfully request that this application be advanced out of turn for examination.

Respectfully submitted,

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER, & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870



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Tel.: (703) 413-3000
Fax: (703) 413-2220

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